

**IN THE UNITED STATES BANKRUPTCY
COURT SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
PORTER DEVELOPMENT PARTNERS, LLC	§	CASE NO. 15-31305-H5-7
WB MURPHY ROAD DEVELOPMENT, LLC	§	CASE NO. 15-31307-H3-7
WB REAL ESTATE HOLDINGS, LLC	§	CASE NO. 15-31770-H1-7
WALLACE BAJALLI INVESTMENT FUND II, LP,	§	CASE N O. 15-31772-H5-7

**LOWELL T. CAGE, TRUSTEE'S AMENDED OBJECTIONS
TO TAYLOR CLAIMANTS'
SUMMARY JUDGMENT EVIDENCE**

Lowell T. Cage, Trustee (“Trustee”) hereby makes the following objections to the evidence proffered by the Taylor Claimants in support of their Amended Response (ECF# 720) to his Amended Motion for Summary Judgment (the “Claimants’ Amended Response”) on Trustee’s Objections to their Late-Filed Claims.

OBJECTIONS TO EXHIBIT A-1

1. Trustee objects to Exhibit A-1 (ECF #708-1) (Boyar Miller Emails) on the basis of hearsay because the statements contained therein are out-of-court statements made by declarant other than while testifying in the current trial or hearing, and the statements are offered for the truth of the matter asserted therein. FED. R. EVID. 801(c).

OBJECTIONS TO EXHIBIT A-8

2. Trustee objects to portions of the deposition testimony of Edward Fox, principal of Industrial Info Resources, included in Exhibit A-8 (ECF #708-8) in support of the Claimants' Amended Response to the extent his statements are not based on personal knowledge, contain legal conclusions, or assume facts not in evidence. FED. R. EVID. 602 and 701.

OBJECTIONS TO EXHIBIT A-9

3. Trustee objects to Exhibit A-9 (ECF #708-9) (Sol Schwartz Emails) on the basis of hearsay and/or hearsay upon hearsay because the typewritten and handwritten statements contained therein are out-of-court statements made by declarant other than while testifying in the current trial or hearing, and the statements are offered for the truth of the matter asserted therein. FED. R. EVID. 801(c).

OBJECTIONS TO EXHIBIT A-10

4. Trustee objects to Exhibit A-10 (ECF #708-10) (Letter from IIRC Counsel) on the basis of hearsay because the statements contained therein are out-of-court statements made by declarant other than while testifying in the current trial or hearing, and the statements are offered for the truth of the matter asserted therein. FED. R. EVID. 801(c).

OBJECTIONS TO EXHIBITS B, C, D, E, F, G, H, I, and J

5. Trustee objects to paragraphs 2 and [5] (last mis-numbered paragraph) of Exhibits B (ECF#709), C (ECF# 710), D (ECF# 711), E (ECF# 712), F (ECF# 713), G (ECF# 714), H

(ECF# 715), I (ECF# 716), and J (ECF# 717) of the Affidavits of Donald Taylor, Blake Taylor, Ron Baas, Randall Depue, Michael Dorsey, Albert Furtado, Jimmy Harrell, James Maas, and Jim Pier, respectively, in support of the Claimants' Amended Response. In particular, Declarants' statements contained in paragraph 2 that there were "frauds" perpetrated by Messrs. Wallace, Bajjali, Frishberg, Kaleta, Laffer, and their entities and co-conspirators, is one of the ultimate issues to be decided by the trier of fact and therefore is not competent summary judgment evidence. *Anderson*, 808 S.W.2d at 55. Declarants' statements contained in paragraph [5] (last mis-numbered paragraph) relating to alleged breaches of fiduciary duties by David Wallace and use of monies by Wallace Bajjali entities to prevent David Wallace from being personally liable, that the merger transaction was not based on actual appraisals, that Wallace Bajjali had squandered monies given by investors, and that Wallace Bajjali companies were moving funds also are, in part, not based on personal knowledge, contain legal conclusions, or assume facts not in evidence. FED. R. EVID. 602, 701.

Respectfully submitted,

/s/ *Theresa Mobley*

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of August, 2021, a true and correct copy of the *Trustee's Amended Objections to Taylor Claimants' Summary Judgment Evidence* was served on counsel for the Taylor Claimants, Charles Schmidt, by the Court's ECF and by electronic mail.

/s/ *Theresa Mobley*

Theresa Mobley